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August 30, 2010

Via ECF

Honorable Andrew L. Carter, Jr.
U.S. Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**RE: Daddino v. Long Island Rail Road
07-CV-4919 (FB)(ALC)**

Dear Justice Carter:

This letter is respectfully submitted on consent of the parties to advise on the status of discovery and to request an adjournment of the telephone status conference presently scheduled for September 13, 2010 at 10:00 a.m.

Since our prior letter application of August 10, 2010, plaintiff's physical examination was performed and the depositions of 2 LIRR witnesses were conducted on August 20, 2010. While originally thought necessary, plaintiff's counsel is presently reconsidering the necessity to inspect the subject locomotives herein. Based on information gleaned from the first 2 LIRR depositions, plaintiff's counsel has requested the production of 2 additional witnesses. We are amenable to producing these witnesses, but have not yet set a definitive date due to conflicting vacation schedules. The parties anticipate conducting the depositions within the next 30-45 days.

Accordingly, the parties respectfully request that your Honor adjourn the September 13, 2010 status conference to October 13, 2010 at 10:00 a.m., or to an alternative date more convenient to the Court's docket.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Christopher P. Yodice'.

Christopher P. Yodice
Ass't Deputy General Counsel
Torts & Administration

CPY:ij

cc: Michael D. Flynn, Esq.